



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Rebecca Sanchez
Allen Weh for Senate
C/O CSI Aviation, Inc.
3700 Rio Grande Blvd. NW, Suite 1
Albuquerque, NM 87107

MAY 18 2018

RE: MUR 7315

Dear Ms. Sanchez:

The Federal Election Commission ("Commission") previously notified Allen Weh for Senate and you in your official capacity as treasurer (collectively, the "Committee") of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations.

On May 10, 2018, based upon the information contained in the complaint and information provided on behalf of the Committee, the Commission dismissed allegations that the Committee violated the Act and Commission regulations, pursuant to the Commission's prosecutorial discretion. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Accordingly, the Commission closed its file in this matter on May 10, 2018.

The Commission encourages the Committee to review the enclosed Factual and Legal Analysis, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. In particular, the Commission reminds the Committee that it is required to report disputed debts in its disclosure reports. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

Documents related to this case will be placed on the public record within 30 days. *See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files*, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and *Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record*, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

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FACTUAL AND LEGAL ANALYSIS

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3 **RESPONDENTS:** Allen Weh for Senate and MUR 7315
4 Rebecca Sanchez in her official capacity as Treasurer
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6 This matter was generated by a complaint alleging violations of the Federal Election
7 Campaign Act of 1971, as amended (“the Act”) and Commission regulations by Allen Weh for
8 Senate and Rebecca Sanchez in her official capacity as treasurer (“the Committee”). It was
9 scored as a low-rated matter under the Enforcement Priority System, by which the Commission
10 uses formal scoring criteria as a basis to allocate its resources and decide which matters to
11 pursue.

12 The Complaint alleges that the Committee owes the Complainant, SCM Associates, Inc.,
13 \$7,217.85 for direct mail services, and the Committee has not reported the debt.¹ The Response
14 states that the Committee had concerns over the services it received and did not consider some
15 of the bill to be a valid campaign debt.²

16 The Act and the Commission regulations require the political committee of a candidate
17 for federal office to report debts for expenditures in excess of \$500 as of the date on which the
18 debt is incurred.³ When there is a disputed debt, the political committee must report the disputed
19 debt if the creditor has provided something of value to the political committee.⁴ Until the

¹ Compl. at 1-2 (Jan. 25, 2018).

² Resp. at 1 (Feb. 26, 2018). The Committee previously reported paying SCM Associates, Inc. \$172,322.50 between March 1, 2014, and November 6, 2014. It is unclear from the available information whether any of these payments were for part of the services at issue, the remainder of which could be the amount invoiced.

³ 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11(b).

⁴ 11 C.F.R. § 116.10(a).

1 dispute is resolved, the political committee must disclose any amounts paid to the creditor, any
2 amount the political committee admits it owes, and the amount the creditor claims is owed.⁵

3 The Committee has not disclosed any debts, disputed or otherwise, owed to Complainant
4 on its disclosure reports filed with the Commission.⁶ Since the Committee does not dispute that
5 it received something of value from SCM Associates, it should have reported the amount
6 reflected on the invoice as a disputed debt in its disclosure reports.

7 In furtherance of the Commission's priorities relative to other matters pending on the
8 Enforcement docket and the relatively modest amounts at issue, the Commission exercises its
9 prosecutorial discretion and dismisses the allegations as to Allen Weh for Senate and Rebecca
10 Sanchez in her official capacity as treasurer. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

⁵ *Id.*

⁶ Based on the Committee's response and the invoice attached to the Complaint, it appears that the Committee did not report paying for, or reflect a dispute, on its disclosure reports for the amounts reflected in the invoice (\$7,217.85 plus accumulating interest through May 1, 2017). *See* Compl. at Ex. 1; Resp. at 1. Furthermore, the Committee did not indicate it was unaware of the services provided or the amount charged for the services. Commission regulations provide that where the exact amount of the debt or obligation is not known, the Committee shall report an estimate on its disclosure reports. 11 C.F.R. § 104.11(b).